

# EXHIBIT A



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August 11, 2015

**VIA ELECTRONIC MAIL**

Lisa A. Marcy  
AARON & GIANNA, PLC  
2150 South 1300 East, Ste. 500  
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[lmarcy@aarongianna.com](mailto:lmarcy@aarongianna.com)

**Re: *Chatwin v. Draper City, et al.***  
***Civil No. 2:14-cv-00375-DAK***

Dear Lisa:

I am in receipt of your letter dated August 7, 2015. To the extent your letter is an attempt to meet and confer under Rule 37, I must point out that you have been in possession of our Initial Disclosures since January and you have not claimed that they were deficient until now. You also have not requested any discovery of Defendants. Furthermore, arbitrarily giving us two business days to produce supplemental disclosures is not realistic, especially considering discovery is still ongoing. We will review our initial disclosures and supplement them to the extent we find them deficient, however, that will require more than just two days.

With respect to your assertions regarding our Motion for Judgment on the Pleadings, per the Rules, the Motion focuses on what is in the pleadings, not outside evidence. Whether or not our Initial Disclosures are complete should have no impact on whether your Amended Complaint was adequately pled. Either you had the facts to support your claims when you brought them or you did not; it is not Defendants' obligation to provide you with facts later.

You also mentioned a potential Motion to Stay Briefing, among other motions. I have already stipulated to give you an extra three weeks to respond to our Motion for Judgment on the Pleadings. I am not inclined to agree to more time for your response because this issue should not change your ability to defend against the Motion. However, we

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understand our disclosure obligations and we will be supplementing our Initial Disclosures accordingly.

Thank you for your anticipated cooperation and courtesy moving forward.

Sincerely,

**DURHAM JONES & PINEGAR, P.C.**



R. Blake Hamilton

RBH:amg

cc: John K. Johnson  
Clients